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STATE OF WISCONSIN
BEFORE THE BOARD OF NURSING
IN THE MATTER OF THE LICENSE OF

MARCIA BRANDNER, R.N.,
RESPONDENT

FINAL DECISION & ORDER
Case # LS9901293 NUR

Division of Enforcement Case # 96 NUR 67

The parties to this action for the purposes of Wis. Stats. § 227.53 are:

Marcia Brandner, R.N.
605 Chippewa St.
Eau Claire, WI 54703

Wisconsin Board of Nursing
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The Wisconsin Board of Nursing received a Stipulation submitted by the parties to the above-captioned matter. The Stipulation, a copy of which is attached hereto, was executed by Marcia Brandner, R.N. personally, and by Claudia Berry Miran, attorney for the Department of Regulation and Licensing, Division of Enforcement. Based upon the Stipulation of the parties, the Wisconsin Board of Nursing makes the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Marcia Brandner, R.N., 605 Chippewa St., Eau Claire, Wisconsin, 54703, was born on March 21, 1953 and has been licensed to practice nursing in the state of Wisconsin as a licensed practical nurse since December 10, 1976 and as a registered nurse since September 9, 1990, license #104828.
2. On February 23, 1996, Ms. Brandner was on duty at Center of Care, Eau Claire, where TM was a resident.
3. At approximately 10:00 p.m. on February 23, 1996, TM's tube feeding was completed. Ms. Brandner turned off the feeding machine and prepared to administer medication to TM.
4. According to the Center of Care policy on Gastric Gavage (dated 6/17/88), "13...If a patient requires medication--medication should be put in the naso gastric tube with a syringe. The tubing is to be irrigated before and after adding medications."
5. Ms. Brandner put a portion of the approximately 100-150 cc of water TM was to receive in the bottle to flush the bottle and the tubing. She reconnected the tubing to the feeding machine and increased the rate to 295 cc/hr to advance the water to the drip chamber. Once the water reached the drip chamber, she disconnected the tubing and turned off the machine.
6. Ms. Brandner then added the medications for TM to the bottle instead of injecting them into the NG tube with a syringe. The water and medications were allowed to gravity-feed through the tubing and NG tube to TM.
7. Ms. Brandner then added the remainder of the water to the bottle and gravity-fed it to TM., thus flushing the bottle and tubes of any remaining medication. She then disconnected the bottle and tubing from the NG tube and capped.

CONCLUSIONS OF LAW

1. The Board of Nursing has jurisdiction in this matter pursuant to § 441.07 (1), Stats.
2. The Board of Nursing has the authority to resolve this disciplinary proceeding by Stipulation without an evidentiary hearing pursuant to § 227.44 (5), Stats.
3. Ms. Brandner's failure to follow a defined nursing procedure constitutes negligence as defined by Wis. Adm. Code §§ N 7.03(1)(a).

ORDER

NOW, THEREFORE, IT IS ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that:

1. Ms. Marcia Brandner is hereby REPRIMANDED.
2. Ms. Brandner shall, not later than sixty (60) days following the effective date of this order, pay to the Department \$100 toward the costs of the investigation, pursuant to § 440.22, Stats.
3. Ms. Brandner shall, within twelve (12) months of the date of this order, submit documentation acceptable to the Board showing successful completion of eight hours continuing education in nursing ethics.
4. Ms. Brandner shall obtain pre-approval of one or more courses from the Board or its designated agent before she takes the course(s) in fulfillment of this requirement.
5. The Department Monitor is the individual designated by the Board as its agent to coordinate compliance with the terms of this Order, including pre-approval of continuing education and receipt of all reports. The Department Monitor may be reached as follows:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
FAX (608) 266-2264
TEL. (608) 267-7139

The rights of a party aggrieved by this Final Decision and Order to petition the Wisconsin Board of Nursing for rehearing and to petition for judicial review are set forth in the attached "Notice of Appeal Information."

This Order shall become effective on the date of its signing.

By: Timothy D. Burns CRNA January 29, 1999

A Member of the Board

